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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 08/468,437 | 06/06/1995 | TAKEO HODA | 3408/589 | 5230 |

24367 7590 12/29/2003

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EXAMINER

NGUYEN, HUY THANH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2615

DATE MAILED: 12/29/2003

54

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/468,437

Applicant(s)

HODA ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 52-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (5,067,029) in view of Sasaki et al (5,034,804).

Regarding claim 52-55, Takahashi discloses a camera (Fig. 10) comprising a camera body; an imaging device (12,14) which conducts a photographing operation, wherein following the photographing operation, said imaging device outputs image information; an inside memory (40) provided inside the camera body; a connection adapted to be connected to a medium (34 or 56) inserted inside a housing provided in

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the camera body; a recorder which stores image information, outputted from said imaging device, in one of the inside memory and the medium (column 10, lines 30-50).

a changer (24) which selectively determines which one of the inside memory and the memory card is used to store image information outputted from said imaging device; and a controller which controls said changer so that (a) the image information is stored in the medium (column 4, lines 1-5, column 10, lines 30-50).

Takahashi fails to teach the medium is a memory card that is inserted in the camera using a memory card slot in the camera .

Sasaki teaches a camera (Fig. 1 and 6) having a memory card slot in the camera body used receiving a memory card (15) as an alternative medium for storing image information in order to reduce the overall size of the camera (column 1, lines 10-30).

It would have been obvious to one of ordinary skill in the art to modify Takahashi with Sasaki by incorporating a card slot in the camera body for receiving a memory card string the image information to reduce the size of the camera .

Takahashi fails to teaches a detector which detects whether the memory card is inserted in the card slot and detects a capacity of the inserted memory card; and the detected capacity shows that the image information can be stored in the memory card, and (b) a warning is displayed when the memory card is inserted in the card slot and the detected capacity shows that the image information cannot be stored in the memory card even if the image information can be stored in the inside memory.

Sasaki teaches a camera having a detecting means for detecting the capacity of a memory card and connection of the memory to the camera and for generating an alarm to alert the user. Sasaki teaches a camera having a detecting means (CPU 24) for detecting an available capacity of a memory card and connection of the memory card (column 8, line 65 - 68, column 9, lines 15-37, Fig. 10) and generating an alarm to alert the user and permitting the image information to be stored in the memory card when the memory card is inserted in the camera and has sufficient capacity for storing the image information and storing the image information in a memory when the memory card is not inserted in the camera or the memory capacity is not sufficient to store the image information .

It would have been obvious to one of ordinary skill in the art to modify Takahashi with Sasaki by using a detecting means as taught by Sasaki with the apparatus of Takahashi for detecting an available capacity of the memory and the connection of the memory card for generating a representative of the result in order to inform the user the status of the memory thereby preventing error in the recording of the image signal.

Further for claims 52-55 , Takahashi as modified with Sasaki further teaches that the image information is stored in the memory card when the memory card is inserted in the card slot and the detected capacity shows that the image information can be stored in the memory card, (b) the image information is stored in the inside memory when the memory card is not inserted in the card slot, and (c) a warning is displayed when the memory card is inserted in the card slot and the detected capacity shows that the image information cannot be stored in the memory card even if the image

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information can be stored in the inside memory since the image information from image pickup is selectively stored in either the inside memory or memory card .

Regarding claims 56-58, Takahashi as modified with Sasaki further teaches that the detector includes a memory capacity detector for detecting the capacity of the memory card by electrically accessing the memory card, and a card switch for detecting whether or not the memory card is inserted in the card slot (see Sasaki column 5, lines 20-30, column 9, lines 5-37).

Regarding claims 60-63, Takahashi as modified with Sasaki further teaches that the changer determines to change from a condition in which the memory card is used to store the image information to a condition in which the inside memory is used to store the image information, when the memory card is inserted in the card slot, and the detected capacity shows that the image information cannot be stored in the memory card since the combination of Takahashi and Sasaki teaches generating the alarm or message to the user indicating that the image information can not be stored in the memory card and the user can control switching from the memory card to the inside memory.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


HUY T NGUYEN
PRIMARY EXAMINER

H.N